

REMARKS

Claims 15-21, 35-41, and 43-52 are now pending in this application. New claims 44-51 are supported throughout the specification, in particular at pages 42-88.

The following remarks are in response to the Office Action mailed November 7, 2005.

Applicants thank the Examiner for his thorough and careful analysis of the application, claims, and prior art. However, Applicants respectfully disagree with the characterization of the Dykes reference in the Office Action.

Dykes is directed to a computer system and software for that “automates the process of updating and transmitting lender loan product information to brokers and correspondents.” See column 3, lines 37-39. In particular,

Each day, lenders automatically transfer information on rates, points, caps, and margins of their products from their lender spreadsheets into lender software residing on their PCs, where other product information that does not change daily (such as adjustments, loan matrix, and lender information) is maintained. . . . The broker or correspondent then has the ability to search the product offerings and find a product with a base rate and points of his choosing. When a broker or correspondent selects a product, only the adjustments and matrix information for that particular product appear. Once the broker or correspondent selects applicable adjustments, the system makes all the mathematical computations automatically and displays the total cost. After viewing the total cost, the broker or correspondent may click a button to register the loan product electronically with the lender.

See column 3, lines 39-59.

In other words, Dykes teaches a system for allowing lenders to provide information regarding the kinds of loans they are willing to make, and that system can then be used by brokers, who input various parameters (e.g., lender name, type of loan, type of property) (see FIG. 4c) and receive a list of loan products that satisfy those parameters (see FIG. 5). Once a broker selects a loan product, he can enter borrower information to lock in that loan product with the selected lender.

Importantly, FIGS. 2a-2e of Dykes depict an interface for acquiring loan product information *from lenders* (see column 3, lines 9-10 and column 6, lines 29-31. On the other hand, FIGS. 4-8 depict an interface for acquiring loan preference information *from brokers* (see

column 8, lines 26-46); in particular, FIGS. 7a and 7b depict a screen “used by the broker to input customer and broker data that is required by the lending institution to properly register the loan product selected.” See column 8, lines 37-41. It is useful to keep these different roles in mind when trying to identify the teachings of Dykes.

What is clear is that Dykes does not teach anything like the claimed invention. Dykes merely teaches a system that accepts loan product information from lenders and allows brokers to search that loan product information using various parameters and then lock in a loan for a specified customer (borrower). In contrast, the claimed invention is designed to help a potential borrower identify one or more loans that are well suited to that person’s financial situation (for example, which loan product options are likely to provide a preferred impact on the borrower’s net worth at the end of the loan term).

Thus, the assertions in the Office Action that Dykes teaches the limitations of claim 15 are not supported. Claim 15 reads as follows:

A method for providing mortgage and/or credit services, over the Internet, to both financial consultants and retail customers, the method comprising:

- (1) authenticating financial consultant users, so as to permit access, over the Internet, to selected consultant-exclusive resources;
- (2) selectively providing information concerning a plurality of mortgage and/or credit programs to any Internet-connected user who requests such information;
- (3) selectively receiving, from any Internet-connected user, an indication of whether said user wishes to explore home financing options or home equity loan options;
- (4) selectively receiving, from any Internet-connected user, residence location information;
- (5) selectively receiving, from any Internet-connected user, information concerning a property to be financed, said information including at least location, expected holding period, and use of said property;
- (6) selectively receiving, from any Internet-connected user, information concerning investments;
- (7) selectively presenting, to any Internet-connected user, a plurality of ranked mortgage and/or credit option(s); and,
- (8) selectively presenting, to an Internet-connected financial consultant user, information concerning said financial consultant’s clients.

The limitations have been numbered for ease of reference.

First, limitation (1) is not mentioned in the Office Action. This alone prevents the § 102 rejection from being supported. A rejection under 35 U.S.C. § 102 is proper only when each and every claim limitation is taught by a single reference.

Second, limitation (2) is not taught by Dykes. Dykes teaches only providing information to lenders and brokers – not “to any Internet-connected user who requests such information.” The Office Action cites column 2, lines 36-45, but nothing in that section of Dykes suggests that that the system is available to any users – indeed, the rest of Dykes teaches only brokers and lenders using the system.

Third, Dykes teaches limitation (3) only for lenders and brokers. The Office Action cites to column 2, lines 45-49 as disclosing limitation (3). But those lines say nothing about home financing or home equity loan options. However, Dykes does teach receiving such information from lenders (see FIG. 2e) and from brokers (see FIG. 4c). Thus, the Patent Office must be asserting that the “user” in claim 15 is either a broker or a lender as taught by Dykes. As we shall see below, neither interpretation is consistent with the language of claim 15.

Regarding limitation (4), the Office Action cites column 7, line 41-42 and column 7 line 66 – column 8, line 2, as well as FIGS. 2d(1), 2e, and 7a. But this indicates some confusion on the part of the Patent Office, since FIGS. 2a-2e, as explained above, are directed to a lender interface – to be used by a lender to specify terms of loan products. On the other hand, column 7, line 41-42 and column 7, line 66 – column 8, line 2, and FIG. 7a are directed to an interface for receiving information from a broker. Lenders don’t enter residence location information – they only describe various loan products. Consequently, FIGS. 2d(1) and 2e say nothing about residence location.

Thus, the Patent Office is left only with the possibility of reading claim 15 on what Dykes teaches regarding brokers. But that doesn’t work either. FIG. 7, as explained above, is for receiving specific borrower information from a broker *after* that broker has received his search results, selected a loan product, and decided to lock in that loan product for the customer. In other words, the borrower (customer) information discussed in column 7 is entered only *after* the broker has completed his search and received his search results – not prior to searching. In

contrast, in claim 15, step (4) is performed *before* the user has received his search results (presented to the user in step (7)). Thus, Dykes cannot teach the steps of claim 15.

Moreover, and perhaps most importantly, limitation (5) is not taught by Dykes. Dykes says nothing about expected holding period. Indeed, this highlights the fact that Dykes teaches a completely different method than the claimed invention. The claimed invention is designed to help a potential borrower identify one or more loans that are well suited to that person's financial situation (for example, which loan product options are likely to provide a preferred impact on the borrower's net worth at the end of the loan term). Dykes teaches nothing like that – he merely enables loan brokers to search loan products using certain standard parameters (loan type, etc. – see FIG. 4c). Dykes doesn't accept information regarding a borrower's finances, and even if certain information acquired by the system of Dykes is characterized as borrower financial information, that system makes no loan product recommendations based on such information.

In light of the above, the § 102 rejection of claim 15 is believed to have been successfully traversed. Since the rejections of claims 16-21, 35-41, and 43 were based on the assertions regarding claim 15, those rejections are believed to be successfully traversed as well.

New claims 44-51 are patentable over Dykes for the reasons discussed above.

No fee is believed to be due with this Response (other than the extension fee authorized above). However, if any fee is due, please charge that fee to Deposit Account No. 50-0310.

Respectfully submitted,

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